

## Exhibit 9

*State of California ex. rel. Ven-A-Care of the Florida Keys, Inc. v.  
Abbott Laboratories, Inc., et al.*

Exhibit to the Declaration of Nicholas N. Paul in Support of Plaintiffs' Motion for Summary  
Judgment as to Defendant Dey

FROM : RICHARD UPP

PHONE NO. : 714 768 4781

P02



DEY LABORATORIES  
2751 Napa Valley Corporate Drive  
Napa, California 94558  
TEL. (707) 224-3200 FAX (707) 224-3235

February 7, 1994

Kathy Bradley  
Generics Development & Marketing  
McKesson Drug Co.  
One Post Street  
San Francisco, CA 94104-5296

Dear Kathy:

I appreciated the opportunity of meeting you and presenting Dey Laboratories' line of unit-dose respiratory solutions. As I mentioned, Dey is the largest manufacturer in the US of unit-dose solutions and holds the largest market share among generics in all its product categories.

Our major products are:

- Albuterol 0.083% unit dose
- Metaproterenol 0.4% and 0.6% unit dose
- Saline - 3 mL and 5 mL unit dose

Shortly Dey expects approval of 2 mL Intal nebulizer solution as the first generic Intal in plastic unit-dose vials.

According to IMS 3rd Qtr. 1993, Dey is the market share leader among generics for albuterol and metaproterenol with retail dollar market shares exceeding 31% and 11% respectively (see attached chart). Dey has over 50% of the saline market.

With Dey Laboratories you can depend upon a high quantity, lower price alternative to your current Source products for unit-dose albuterol and metaproterenol. Since market entry two years ago, Dey has sold over 400,000,000 vials of albuterol unit dose and 50,000,000 vials of metaproterenol unit dose with no issues of quality. Dey manufactures and sells the only generic sterile-filled Albuterol Inhalation Solution 0.083%. Unlike Copley's product or other generic versions of Proventil, Dey Laboratories uses a sterile form-fill-seal manufacturing process where there is no need to add the preservative, benzalkonium chloride, to our inhalation solutions to protect against contamination.

A Lipha Americas Company

FROM: RICHARD UPP

PHONE NO. : 714 768 4781

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Kathy Bradley  
McKesson Drug Co.  
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February 7, 1994

In addition, the following items are proposed for your spring Source program:

1. Pricing - lowest net price, highest retailer spread versus AWP
2. Dating - 90-day dating on all orders during program
3. Guaranteed 30-day McKesson inventories
4. 100% Dey service level
5. Highest quality standards - only sterile filled generic unit-dose albuterol on market
6. Local support for McKesson customer service programs through your contracts department
7. Dey to provide a rebate in the form of a credit memo

Kathy, I appreciate your consideration of our proposal. I trust that if there are any questions, you will call me at 1-800-869-9005. I will call you in mid-March to determine the status of your spring catalog.

Thanks again for your time, and if you find yourself in the Napa area, please give us a call. We would be pleased to give you and Claudia a tour and show you our facilities and some of the Napa Valley.

Sincerely,



Robert F. Mozak  
Vice President  
Sales and Marketing

RFM:chg

CC: Claudia Sacino  
BCC: Phil Scott

Attachments

FROM : RICHARD UPP

PHONE NO. : 714 768 4781

P04

## PRICING PROPOSAL

Dey Product	Product Number NDC-49502	Brand Name	AWP	Regular Whole	Source Price	% Rebate
Albuterol 0.083%	69703	Proventil or Ventolin	\$30.25	\$18.95	\$14.78	22%
Albuterol 0.083%	69760		\$72.60	\$44.40	\$33.30	25%
Metaproterenol 0.4%	67803	Alupent	\$30.75	\$13.99	\$9.09	35%
Metaproterenol 0.6%	67603	Alupent	\$30.75	\$13.99	\$9.09	35%
Sodium Chloride 3 mL	83003	—	\$24.20	\$13.00	\$9.75	25%
Sodium Chloride 5 mL	83005	—	\$24.20	\$13.00	\$9.75	25%

FROM : RICHARD UPP

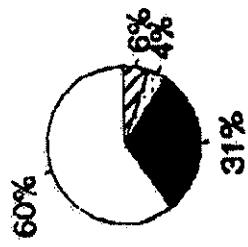
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# UNIT DOSE ALBUTEROL MARKET SHARES

3rd Quarter 1993

## DRUG STORES



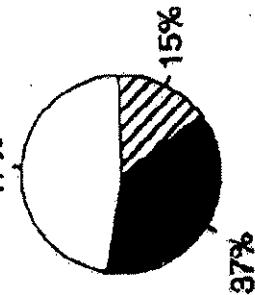
586,000 CARTONS

## HOSPITALS

41%



542,000 CARTONS



\$6.1 MILLION

\$16.2 MILLION

Schering    Dey    Adams & H

Source: IMS Audits  
RJE 12/29/93



Inspirations through pharmaceutical solutions

FROM : RICHARD UPP

PHONE NO. : 714 768 4781

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## METAPROTERENOL MARKET SHARES 3rd Quarter 1993

### DRUG STORES

 COMPANY  
CONFIDENTIAL



5.8 MILLION DOSES

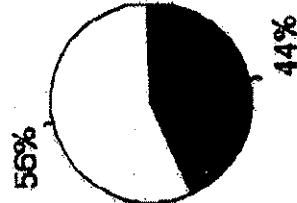
\$3.8 MILLION

B.I.  Dey

### HOSPITALS



1.2 MILLION DOSES



\$447,000

Source: IMS Audits  
RJE 12/29/93

 DEY  
Inspirations through pharmaceutical solutions  
DEY LABORATORIES, INC.